



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda.

#### 5:00 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda
- Meeting will recess until 6:00 p.m.

#### 6:00 p.m. session

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

### PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, [www.cityoftucson.org](http://www.cityoftucson.org). Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

**Robert E. Walkup – Mayor**  
**Fred Ronstadt – Vice Mayor**

#### Council Members

**José J. Ibarra**      **Ward 1**  
**Carol W. West**      **Ward 2**  
**Kathleen Dunbar**      **Ward 3**

**Shirley C. Scott**      **Ward 4**  
**Steve Leal**      **Ward 5**  
**Fred Ronstadt**      **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: [www.cityoftucson.org/agdocs](http://www.cityoftucson.org/agdocs)), 9<sup>th</sup> floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
Tuesdays – 9:00 p.m.      Wednesdays – 9:00 a.m.      Sundays – 9:00 a.m.  
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, APRIL 12, 2004 – 5:00 P.M.**

**TUCSON CONVENTION CENTER**

**260 SOUTH CHURCH AVENUE, TUCSON, ARIZONA**

**COPPER BALLROOM (USE WEST ENTRANCE ON GRANADA AVENUE)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Rabbi Stephanie Aaron, Congregation Chaverim

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**PRESENTATIONS**

(a) Proclamation – Proclaiming April 12 through 18 to be “Community Development Week” and April 16 to be the “Community Development Day of Celebration”

(b) Presentation to Sun Tran of the “AzTA 2004 Outstanding Transit Organization” award from the Arizona Transit Association

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager APRIL12-04-167 CITY-WIDE

**4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager APRIL12-04-168 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager APRIL12-04-165 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

Location Transfer

- |   |   |
|---|---|
| (1) MAMA'S PIZZA & HEROS<br>6996 E. 22 <sup>nd</sup> Street<br>Applicant: Joseph M. Spina, Jr.<br>City #013-04, located in Ward 4<br>Series #7<br>Action must be taken by: April 23, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|---|---|

NOTE: For a location transfer Mayor and Council can consider both the applicant's capability, qualifications, reliability and location issues.

(c) Special Event(s)

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|--|---|
| (1) TUCSON JEWISH<br>COMMUNITY CENTER<br>3800 E. River Road<br>Applicant: Lee Ann Sanford<br>City #T027-04, located in Ward 2<br>Date of Event: May 2, 2004<br>(Entertainment/Education)               | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |
| (2) CONGREGATION ANSHEI ISRAEL<br>5550 E. 5 <sup>th</sup> Street<br>Applicant: Lynne Falkow-Strauss<br>City #T029-04, located in Ward 6<br>Date of Event: April 25, 2004<br>(Fundraiser for Preschool) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |
| (3) SOUTH TUCSON LIONS<br>3700 S. La Cholla Blvd.<br>Applicant: Fernando Acevedo<br>City #T032-04, located in Ward 1<br>Date of Event: May 8, 2004<br>(Fundraiser)                                     | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Parks & Rec.: In Compliance |
| (4) ST. JOSEPH PARISH FIESTA<br>215 S. Craycroft Road<br>Applicant: Thomas M. Bayham<br>City #T035-04, located in Ward 6<br>Date of Event: April 23, 2004<br>April 24, 2004<br>(Fundraiser)            | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance                                |

**PUBLIC OPINION: PROTEST FILED**

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| (5) RIALTO FOUNDATION<br>Congress St. between 4 <sup>th</sup> & 5 <sup>th</sup> Ave.,<br>5 <sup>th</sup> Ave. between Congress & Broadway<br>Applicant: Jeb B. Schoonover<br>City #T037-04, located in Ward 6<br>Date of Event: April 17, 2004<br>(Fundraiser) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (6) STRENGTH BUILDING PARTNERS<br>2990 N. Swan Road<br>Applicant: Melissa L. Almquist<br>City #T038-04, located in Ward 2<br>Date of Event: April 23, 2004<br>(Fundraising)  | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (7) RAYTHEON TUCSON<br>MANAGEMENT CLUB, INC.<br>1601 E. University,<br>Flandrau Science Center<br>Applicant: Matthew D. Neely<br>City #T039-04, located in Ward 6<br>Date of Event: April 15, 2004<br>(April 2004 Meeting)                                     | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (8) ST. CYRIL SCHOOL & CHURCH<br>4725 E. Pima Street<br>Applicant: Kimberly A. Samuels<br>City #T041-04, located in Ward 6<br>Date of Event: April 24, 2004<br>(Auction to raise money for school)   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

**6. CONSENT AGENDA ITEMS A THROUGH E**

**A. ASSURANCE AGREEMENT: (S02-052) CANTERBURY RANCH SUBDIVISION LOTS 1 TO 136 AND COMMON AREAS “A”, “B”, AND “C”**

- (1) Report from City Manager APRIL12-04-172 W5
- (2) Resolution No. 19805 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-052 of a final plat for the Canterbury Ranch Subdivision, Lots 1 to 136 and Common Areas “A”, “B”, and “C”; and declaring an emergency.

**B. FINAL PLAT: (S02-052) CANTERBURY RANCH SUBDIVISION LOTS 1 TO 136 AND COMMON AREAS “A”, “B”, AND “C”**

- (1) Report from City Manager APRIL12-04-166 W5
- (2) The City Manager recommends that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**C. ASSURANCE AGREEMENT: (S03-013) GOLF LINKS CASITAS SUBDIVISION LOTS 1 TO 7**

- (1) Report from City Manager APRIL12-04-170 W4
- (2) Resolution No. 19806 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-013 of a final plat for the Golf Links Casitas Subdivision, Lots 1 to 7; and declaring an emergency.

**D. FINAL PLAT: (S03-013) GOLF LINKS CASITAS SUBDIVISION LOTS 1 TO 7**

- (1) Report from City Manager APRIL12-04-171 W4
- (2) The City Manager recommends that, after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**E. FINANCE: CONTINGENCY FUND TRANSFER FOR THE UNIVERSITY OF ARIZONA VIDEO PROJECT**

- (1) Report from City Manager APRIL12-04-164 CITY-WIDE
- (2) Resolution No. 19809 relating to finance; approving and authorizing the transfer of five hundred dollars (\$500.00) from the contingency fund to Organization 001-183-1838-268, for the University of Arizona Video Project; and declaring an emergency.

This is a request by Council Member Dunbar. Allocation of funds is as follows:  
Council Member Dunbar - \$500.00.

**RECESS**

**MEETING WILL RECONVENE AT 6:00 P.M.**

## RECONVENE (6:00 P.M.)

### ROLL CALL

#### 7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

#### 8. PUBLIC HEARING: ZONING (C9-00-34) HUNSBERGER – ROGER ROAD, MH-1 TO C-2 ZONING, CHANGE OF CONDITIONS

- (a) Report from City Manager APRIL12-04-174 W3
- (b) Hearing on a request for a change of conditions and preliminary development plan for property located at the southwest corner of Fairview Avenue and Roger Road. Applicant: Thomas Saylor-Brown of Saylor-Brown Bolduc Architects on behalf of the property owners, Rowe Enterprises.

The revised preliminary plan is for a 216 space vehicle storage lot on 1.67 acres in lieu of the previously proposed 24,000 square foot single story business "incubator" building.

The City Manager recommends approval of the requested change of conditions and preliminary development plan subject to the following conditions.

The recommended conditions are based on the conditions adopted by Mayor and Council February 12, 2001. Within the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~.

- 1. A development plan, in substantial compliance with the preliminary development plan dated March 1, 2004, the preliminary landscape plan dated February 17, 2004 and the preliminary elevations dated February 17, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
  - a. Maximum of one access point on Roger Road and ~~two~~ one access points on Fairview Avenue.

- b. ~~Maximum building height of twenty eight (28) feet.~~
- c. ~~On site vehicular linkages between the front and back of the building.~~
- 2. ~~The owner/developer shall dedicate right-of-way, per the *Major Streets and Routes Plan*, along Roger Road and Fairview Avenue in the form approved by the Department of Transportation, as required. Dedication, or verification of existence, of right-of-way, per the current *Major Streets and Routes Plan* (including applicable intersection widening), along the site frontages on Fairview Avenue and Roger Road. Dedication of 30 foot radius spandrel on the northeast corner of site, southwest corner of intersection of Roger Road and Fairview Avenue.~~
- 3. ~~The owner/developer shall install seventeen (17) feet of pavement and a curb, and a six foot wide sidewalk along the Roger Road and Fairview Avenue frontage of the project. Owner/developer shall coordinate with the Transportation Department to ensure that the design of the improvements conform to the ongoing design for the Fairview/Roger Intersection Improvement project. The owner/developer shall design and construct half of the full *Major Streets and Routes Plan* cross-section/improvements along the entire Roger Road and Fairview Avenue frontages of the site. On Roger Road this shall include half of the median, two full traffic lanes, bicycle lane, curb and six foot sidewalk. On Fairview Avenue this shall include two traffic lanes, bicycle lane, curb and six (6) foot sidewalk.~~
- 4. A drainage report shall be submitted and approved, including detention, 5-year threshold and mitigation of offsite and onsite flows.
- 5. The detention/retention basin shall be located along the existing lowest area with the outflow released in the same manner as existing prior to development.
- 6. Water harvesting techniques shall be utilized by conveying all rooftop, parking area access lane (PAAL), and parking area drainage to designated water harvesting areas.
- 7. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way and along the west property line shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) ~~and include trees or shrubs in the voids created by the variations.~~ Use of razor wire is prohibited.

8. All outdoor lighting shall be full cut off and directed down and away from residential parcels and public roadways and be as low in elevation as possible.
9. All new dumpsters and loading spaces shall be placed at least fifty (50) feet from residentially developed property and screened from view of all adjacent streets and public roadways.
- ~~10. Coolers, air conditioners, solar panels and other mechanical equipment shall be concealed from view from streets and nearby structures.~~
11. An on-the-ground survey by a qualified archeologist shall be performed before any ground modification, and if any remains are found, a data recovery program approved by the Arizona State Museum shall be performed. Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.
12. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department, with special consideration along the west side of the subject property.
13. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
14. Compliance ~~Five years are allowed in which to comply~~ with all Code requirements and conditions of rezoning by February 12, 2006.
15. There shall be no noise-generating elements located on the property.
16. A minimum of ten (10) feet of landscaping shall be provided on the outside of the east and north walls and a minimum of five (5) feet of landscaping shall be provided on the outside of the west wall. The landscaping shall include plantings of different heights to soften the impact of the nine feet high screen walls. Shade trees shall be located a minimum of every 25 feet along the sidewalks.
17. If a change of use is requested, the request shall be returned to Mayor and Council for additional consideration at a public hearing.
18. No vehicular access points within 150 feet of the centerline intersection of Fairview Avenue and Roger Road.
19. Closure of any existing curb cuts that will not be used for vehicular access.



20. The applicant shall provide a fair share contribution toward installation of a traffic signal at Roger Road and Fairview Avenue.

**9. ZONING: (C9-01-30) SUMMIT DEVELOPMENT – ALVERNON WAY, SR TO C-1 ZONING, ORDINANCE ADOPTION**

- (a) Report from City Manager APRIL12-04-175 W2
- (b) Ordinance No. 9947 relating to zoning: amending zoning district boundaries in the area located east of the Alvernon Way alignment, between Kleindale Road and the Rillito River in Case C9-01-30, Summit Development – Alvernon Way, SR to C-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance presented.

**10. BUILDING AND DEVELOPMENT: NOTICE OF INTENT TO ADOPT DEVELOPMENT IMPACT FEES FOR ROADS AND PARKS AND SCHEDULING A PUBLIC HEARING FOR JUNE 14, 2004**

- (a) Report from City Manager APRIL12-04-176 CITY-WIDE
- (b) Resolution No. 19810 relating to building and development: acceptance of the Road and Park Impact Fee Study for the City of Tucson, Arizona; notice of intent to adopt road and park impact fees; scheduling a public hearing; and declaring an emergency.

**11. WATER: UPDATED TUCSON WATER FINANCIAL PLAN FOR FISCAL YEARS 2004 THROUGH 2009**

- (a) Report from City Manager APRIL12-04-173 CITY-WIDE & OUTSIDE CITY
- (b) Resolution No. 19807 relating to Tucson Water: approving and authorizing the Tucson Water Financial Plan for the period from fiscal year 2004 to fiscal year 2009, and an increase in water rates charged by the City of Tucson; and declaring an emergency.

**12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager APRIL12-04-169 CITY-WIDE

**13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, April 19, 2004, at 5:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.